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8 TIM TOTH

9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

12 TIM TOTH,

Case No.: 2:14-cv-01264-RCJ-PAL

13 Plaintiff,

14 **DISCOVERY PLAN AND**
PROPOSED SCHEDULING ORDER

15 vs.

16 ARS NATIONAL SERVICES, INC.,

17 Defendants.

19 **SUBMITTED IN COMPLIANCE WITH LR 26-1(e)**

21 Plaintiff TIM TOTH and Defendant ARS NATIONAL SERVICES, INC.

22 (“ARS”), by and through their counsel of record, hereby submit their stipulated

23 Discovery Plan and Scheduling Order pursuant to Federal Rule of Civil Procedure 16

25 and 26, as well as Local Rule 16-1 and 26-1. It is hereby requested that the Court

26 enter the following discovery plan and scheduling order:

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1 **1. Discovery Plan:**

3 Discovery Cut-Off	3/08/2015 (180 days from the date Defendant filed its Answer, 9/09/2014)
5 Deadline to Amend Pleadings	12/08/2014 (90 days prior to the close of discovery)
6 Deadline to Disclose Initial Expert 7 Disclosures	1/07/2015 (60 days prior to the close of discovery)
8 Deadline to Disclose Rebuttal Expert 9 Disclosures	2/06/2015 (30 days after the Initial Disclosure of Experts)
10 Deadline to File Dispositive Motions	4/07/2015 (30 days after the close of discovery)

12 **2. Interim Status Report:** The parties shall file the interim status report

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14 required by LR 26-3 no later than **1/07/2015** or sixty (60) days prior to the close of
15 discovery.

16 **3. Pre-Trial Order:** The parties shall file a joint pretrial order no later than

17 **5/07/2015** or thirty (30) days after the date set for filing dispositive motions. In the
18 event that parties file dispositive motions, the date for filing the joint pretrial order
19 shall be suspended until thirty (30) days after decision on the dispositive motions or
20 further order of the Court. The disclosure required by Federal Rule of Civil Procedure
21 26(a)(3) and objections thereto shall be made in the pre-trial order.

4. Initial Disclosures: The parties shall make initial disclosures on or before **10/23/2014**. Any party seeking damages shall comply Federal Rules of Civil Procedures 26(a)(1)(A)(iii).

5. Extension of Discovery Deadline: Requests to extend the discovery shall comply fully with LR 26-4. Applications to extend any date set by the discovery plan, scheduling order, or other order must, in addition to satisfying the requirements of LR 6-1, be supported by a showing of good cause for the extension. All motions or stipulations to extend a deadline set forth in a discovery plan shall be received by the Court no later than twenty-one (21) days before the expiration of the subject deadline. A request made after the expiration of the subject deadline shall not be granted unless the movant demonstrates that the failure to act as the result of excusable neglect.

The motion or stipulation shall include:

- a. A statement specifying the discovery completed by the parties as of the date of the motion or stipulation;
 - b. A specific description of the discovery which remains to be completed;
 - c. The reasons why such remaining discovery was not completed within the time limit of the existing discovery deadline; and,
 - d. A proposed schedule for the completion of all remaining discovery.

It is not good cause for a later request to extend discovery that the parties informally postponed discovery. No stipulations are effective until approved by the

1 Court, and any stipulation that would interfere with any time set for completion of
2 discovery, for hearing of a motion, or for trial, may be made only with approval of the
3 Court.
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5 Dated October 10, 2014
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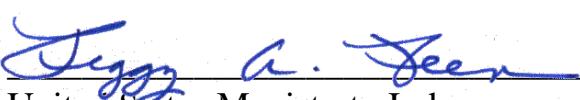
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ARS NATIONAL SERVICES, INC.
16

17 **SCHEDULING ORDER**

18 The above-set stipulated Discovery Plan of the parties shall be the Scheduling
Order for this action pursuant to Federal Rule of Civil Procedure 16(b) and Local
Rule 16-1.
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20 **IT IS SO ORDERED**

21 
United States Magistrate Judge
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23 Dated: October 15, 2014
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